

108TH CONGRESS  
1ST SESSION

# S. 125

To provide emergency disaster assistance to agricultural producers.

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IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2003

Mr. ROBERTS (for himself, Mr. CRAIG, Mr. BROWNBACK, Mr. CRAPO, and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To provide emergency disaster assistance to agricultural producers.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Emergency Agricul-  
5       tural Disaster Assistance Act of 2003”.

6       **SEC. 2. CROP DISASTER ASSISTANCE.**

7       (a) IN GENERAL.—Subject to subsections (b) and (c)  
8       and section 4, the Secretary of Agriculture (referred to  
9       in this title as the “Secretary”) shall use such sums as  
10      are necessary of funds of the Commodity Credit Corpora-

1 tion to make emergency financial assistance authorized  
 2 under this section available to producers on a farm that  
 3 have incurred qualifying crop losses for the 2001 or 2002  
 4 crop due to damaging weather or related condition, as de-  
 5 termined by the Secretary.

6 (b) ADMINISTRATION.—The Secretary shall make as-  
 7 sistance available under this section in the same manner  
 8 as provided under section 815 of the Agriculture, Rural  
 9 Development, Food and Drug Administration, and Re-  
 10 lated Agencies Appropriations Act, 2001 (Public Law  
 11 106–387; 114 Stat. 1549A–55), including using the same  
 12 loss thresholds for the quantity and quality losses as were  
 13 used in administering that section.

14 (c) CHOICE OF PAYMENTS.—If a producer on a farm  
 15 incurred qualifying crop losses for each of the 2001 and  
 16 2002 crop years, the producer may receive payments  
 17 under this section for losses associated with the losses in  
 18 either the 2001 crop year or the 2002 crop year, but not  
 19 both.

### 20 **SEC. 3. ASSISTANCE FOR LIVESTOCK PRODUCERS.**

21 (a) IN GENERAL.—Subject to subsection (b) and sec-  
 22 tion 4, the Secretary shall use such sums as are necessary  
 23 of funds of the Commodity Credit Corporation to make  
 24 and administer payments for livestock losses using the cri-  
 25 teria established to carry out the 1999 Livestock Assist-

1   ance Program (except for application of the national per-  
 2   centage reduction factor) to producers for 2001 and 2002  
 3   losses in a county that has received an emergency designa-  
 4   tion by the President or the Secretary in calendar year  
 5   2001 or 2002.

6       (b) CHOICE OF PAYMENTS.—If a producer is on a  
 7   farm located in a county that received an emergency des-  
 8   ignation described in subsection (a) in each of calendar  
 9   years 2001 and 2002, the producer may receive payments  
 10   under this section for losses associated with the declara-  
 11   tion in either calendar year 2001 or calendar year 2002,  
 12   but not both.

#### 13   **SEC. 4. INELIGIBILITY FOR PAYMENTS.**

14       (a) DEFINITIONS.—In this section

15           (1) ADDITIONAL COVERAGE.—The term “addi-  
 16   tional coverage” has the meaning given the term in  
 17   section 502(b) of the Federal Crop Insurance Act (7  
 18   U.S.C. 1502(b)).

19           (2) INSURABLE COMMODITY.—The term “insur-  
 20   able commodity” means an agricultural commodity  
 21   (excluding livestock) for which the producers on a  
 22   farm are eligible to obtain additional coverage.

23           (3) NONINSURABLE COMMODITY.—The term  
 24   “noninsurable commodity” means an eligible crop  
 25   for which the producers on a farm are eligible to ob-

1       tain assistance under section 196 of the Federal Ag-  
2       riculture Improvement and Reform Act of 1996 (7  
3       U.S.C. 7333).

4       (b) INELIGIBILITY.—Except as provided in sub-  
5       section (c), the producers on a farm shall not be eligible  
6       for a payment under section 2 with respect to losses to  
7       an insurable commodity or noninsurable commodity for a  
8       crop or calendar year (as applicable) if the producers on  
9       the farm—

10           (1) in the case of an insurable commodity, did  
11       not obtain additional coverage for the insurable com-  
12       modity for the crop or calendar year (as applicable);  
13       and

14           (2) in the case of a noninsurable commodity,  
15       did not file the required paperwork, and pay the ad-  
16       ministrative fee by the applicable State filing dead-  
17       line, for the noninsurable commodity under section  
18       196 of the Federal Agriculture Improvement and  
19       Reform Act of 1996 (7 U.S.C. 7333).

20       (c) WAIVERS.—The Secretary may waive the applica-  
21       tion of subsection (b) to the producers on a farm for a  
22       crop or calendar year (as applicable) if—

23           (1) in the case of an insurable commodity, the  
24       producers on the farm enter into a contract with the

1 Secretary under which the producers on the farm  
2 agree—

3 (A) to obtain additional coverage for the  
4 insurable commodity for each of the next 3 crop  
5 or calendar years (as applicable); and

6 (B) on violation of the contract, to forfeit  
7 the right to receive any payment, loan, or ben-  
8 efit under title I of the Farm Security and  
9 Rural Investment Act of 2002 (7 U.S.C. 7901  
10 et seq.) for each of such crop or calendar years  
11 (as applicable); and

12 (2) in the case of a noninsurable commodity,  
13 the producers on the farm enter into a contract with  
14 the Secretary under which the producers on the  
15 farm agree—

16 (A) to file the required paperwork, and pay  
17 the administrative fee by the applicable State  
18 filing deadline, for the noninsurable commodity  
19 for each of the next 3 crop or calendar years  
20 (as applicable) under section 196 of the Federal  
21 Agriculture Improvement and Reform Act of  
22 1996 (7 U.S.C. 7333); and

23 (B) on violation of the contract, to forfeit  
24 the right to receive any payment, loan, or ben-  
25 efit under title I of the Farm Security and

1 Rural Investment Act of 2002 (7 U.S.C. 7901  
 2 et seq.) for each of such crop or calendar years  
 3 (as applicable).

4 **SEC. 5. COMMODITY CREDIT CORPORATION.**

5 The Secretary shall use the funds, facilities, and au-  
 6 thorities of the Commodity Credit Corporation to carry  
 7 out this title.

8 **SEC. 6. REGULATIONS.**

9 (a) IN GENERAL.—The Secretary may promulgate  
 10 such regulations as are necessary to implement this Act.

11 (b) PROCEDURE.—The promulgation of the regula-  
 12 tions and administration of this Act shall be made without  
 13 regard to—

14 (1) the notice and comment provisions of sec-  
 15 tion 553 of title 5, United States Code;

16 (2) the Statement of Policy of the Secretary of  
 17 Agriculture effective July 24, 1971 (36 Fed. Reg.  
 18 13804), relating to notices of proposed rulemaking  
 19 and public participation in rulemaking; and

20 (3) chapter 35 of title 44, United States Code  
 21 (commonly known as the “Paperwork Reduction  
 22 Act”).

23 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
 24 MAKING.—In carrying out this section, the Secretary shall

1 use the authority provided under section 808 of title 5,  
2 United States Code.

3 **SEC. 7. EMERGENCY DESIGNATION.**

4 (a) IN GENERAL.—The entire amount made available  
5 under this Act shall be available only to the extent that  
6 the President submits to Congress an official budget re-  
7 quest for a specific dollar amount that includes designa-  
8 tion of the entire amount of the request as an emergency  
9 requirement for the purposes of the Balanced Budget and  
10 Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et  
11 seq.).

12 (b) DESIGNATION.—The entire amount made avail-  
13 able under this section is designated by Congress as an  
14 emergency requirement under sections 251(b)(2)(A) and  
15 252(e) of that Act (2 U.S.C. 901(b)(2)(A), 902(e)).

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